

I vote "aye" in order to be able to move a reconsideration of the vote.

HARRISON.

The President referred substitute for House bills 111, 142, 173 and 180 to the Committee on Agricultural Affairs.

On motion of Senator Pope, the Senate adjourned till 10 o'clock tomorrow morning.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kimbrough,

The reading of the Journal of yesterday was dispensed with.

Senator Kimbrough entered a motion to reconsider the vote by which the Senate ordered engrossed yesterday,

Senate bill No. 183, a bill to be entitled "An act to enable the State to comply with the terms of its contract for building the new State capitol in issuing patents to the capitol contractor, and to refund certain moneys to said contractor which he has paid for patent fees to the Commissioner of the General Land Office."

On motion of Senator Armistead,

Senator Johnson was excused until Monday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Burney, by request:

Two petitions of citizens of El Paso county, asking the creation of a new county out of the eastern part of El Paso county, to be named Sierra Blanco.

Referred to Committee on Counties and County Boundaries.

By Senator Claiborne:

Petition of twenty-three merchants of Galveston, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of forty-five farmers of Gal-

veston county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Davis:

Petition of forty-eight voters of Leon county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Crawford, by request:

Petition of citizens of Hopkins county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Tyler:

Petition of thirty merchants and others in town of Lampasas, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Lane:

Petition of merchants and business men of Lee county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of citizens of McDade, Bastrop county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Upshaw:

Petition of citizens of Waxahachie, Ellis county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition of one hundred merchants and business men of Grayson county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Morris, by request:

Petition of forty citizens of Grimes county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Claiborne:

A copy of the Galveston News, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Stephens:

A copy of the Fort Worth Gazette, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Armistead:

Petition of business men of Jefferson and some farmers in Marion county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Senator Frank sent up the following minority report:

AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

A minority of Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 22 and 187, entitled "An act to amend article 2979 of title 54 of the Revised Civil Statutes of Texas," and also Senate bill No. 110, being "An act providing that money lenders, in loaning money, shall lend a sum not less than the sum named on the face of the note, and affixing the pains and penalties therefor,"

Disagreeing in the expressed views of a majority of said committee in the unfavorable reports on both of said bills, beg leave to submit this minority report, and state that the object of these bills is to carry out and give effect to section 11, article 16 of the State Constitution, which provides, among other things, that the "Legislature shall provide appropriate pains and penalties to prevent and permit usury."

While the minority of said committee do not endorse either of said bills in this present shape, still we believe legislation is demanded on this subject and file this minority report for the purpose of bringing this question before the Senate for full and fair discussion, to the end that said bills may be so amended and legislation had on this question.

It is fully admitted by all that the present usury law is wholly insufficient, and falls far short of its object, and does not carry out or give effect to the above recited articles and section of the Constitution.

We believe, with a fair, just and effective usury law business would be transacted upon a more equitable basis, capital would be less timid, because the rate of interest would be more just and that speculations would be conducted upon a more legitimate basis, and that legitimate and staple business would take the place of wild and often ruinous speculation.

Wherefore, we ask that this minority report be substituted for the majority report of said committee, and that said bills be properly amended and passed.

FRANK,
SIMS.

REPORTS OF STANDING COMMITTEES.

By Senator Upshaw:

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 19, "To amend section 9, article 8, of the Constitution of the State of Texas,"

Which provides that the Legislature may authorize an additional tax to be levied and collected for the further maintenance of the public roads, provided that a majority of the qualified property tax paying voters of the county shall vote such tax, not to exceed fifteen cents on the one hundred dollars,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Joint resolution read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 275, entitled "An act to amend article 4667, title 95, chapter 1, of the Revised Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 264, entitled "An act to amend article 4405, chapter 3, title 87, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill defines the liabilities of road duty and the persons subjected thereto.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 303, entitled "An act to restore to and confer upon the county court of Wilson county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The provisions of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 295, entitled "An act to permit the county commissioners' courts in this State to advertise by posting written notices, all financial statements or notices of any kind now required by law to be published in a newspaper, and to repeal all laws and parts of laws in conflict with the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The provisions of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 87, entitled "An act to amend article 1280 of the Revised Civil Statutes of the State of Texas, so as to make the third day of each term of the District Court and County Court appearance day,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute therefor do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, entitled "An act to authorize counties to fund their indebtedness and to provide for the payment of the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

Provisions of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 263, entitled "An act to amend article 4741 of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 285, entitled "An act to amend title 84, chapter 10, of the Revised Civil Statutes by adding thereto article 4223a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Committee on Internal Improvements.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Committee on Internal Improvements.

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 299, entitled "An act to amend article 2401, of chapter 3, title 42, of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that when services are rendered by any constable for the county or district court they shall receive the same pay as that received by the sheriffs for the same service.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 185, entitled "An act to amend title 42, chapter 4, article

2411 of the Revised Civil Statutes of the State of Texas, relating to furniture, stationery and office room allowed certain county officers,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 284, entitled "An act to amend title 86, chapter 1 of the Revised Statutes of Texas by adding thereto article 4304a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute do pass.

The bill provides for the keeping of abstract records of land titles by the county clerk of each county in the State.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 292, entitled "An act to amend an act approved April 30, 1888, entitled an act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887,"

Have had the same under consideration, and instruct me to report it back to the House with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate resolution, "Relative to selling the old Capitol,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on State Affairs.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Committee on State Affairs.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 281, entitled "An act to amend article 577, chapter 3, title 20, of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 139, entitled "An act to amend article 1420b, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas, in relation to fees of the clerks of the district court, county clerks and justices of the peace in appeal cases,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered with another Senate bill on same subject and previously considered and reported from this committee.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 280, entitled "An act to regulate civil action for libel, slander or defamation of character,"

Have had the same under consideration, and instruct me to report it back to the Senate with the accompanying committee substitute, with the recommendation that the substitute do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 291, entitled "An act to require corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State; and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and providing penalties for the violation of the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend section 1 by adding after the word "corporation," in line 3, from the bottom of first page, the following: "And shall also file in the office of the Secretary of State a power of attorney under its corporate seal for all its agents and officers or representatives, and each of them to accept service of any civil process for and in behalf of such incorporation, and consenting that the service of any civil process upon any such agent, officer or representative in the State in any suit or proceeding in which any such incorporation is a party shall be held to be valid, and waiving all claims of error by reason of such service said power of attorney shall be embodied in a resolution duly

adopted by such incorporation, and shall be allowed under the corporate seal of such incorporation, and all persons named in power of attorney shall be residents of this State, and the full name and residence of each shall be stated, and shall not revoke the power of such agents without appointing others, so long as they carry on business in this State, or have indebtedness unsettled, or liabilities incurred in this State unsatisfied."

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time with amendments.

By Senator Armistead:

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 145, entitled "An act to prevent the impairing of the efficiency or value of mortgage and other contract liens by the death of the maker thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
For Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Asylums, to whom was referred

Senate bill No. 300, entitled "An act to amend article 4463, chapter 1, title 88, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill provides that the Superintendents of the different asylums shall receive an annual salary of three thousand dollars and no more; the Superintendent of the Deaf and Dumb Asylum for Colored Youths, two thousand dollars and no more, and that

each shall defray his own expenses of boarding, horse hire, forage, furniture, etc.

All of which is respectfully submitted.

ARMISTEAD,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 153, "An act to regulate the practice of dentistry in the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 259, being "An act to incorporate the city of Dallas, and to grant a new charter therefor,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 222, being "An act to amend article 1659 of the Revised Civil Statutes, and to add thereto article 1659a,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 183, being "An act to enable the State to comply with the terms of its contract for the building of the new State Capitol in issuing patents to the contractors, and to refund certain moneys to the contractor which he has paid out for patents to the Commissioner of the General Land Office."

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 240, being "An act to restore and confer upon the county court of Cass county the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and laws of the State, to conform the jurisdiction of the district court to such change and repeal all laws in conflict with the provisions of this act."

And find the same correctly engrossed

CRANFORD,
Chairman.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Committee on Agricultural Affairs, to whom was referred

Substitute House bills Nos. 111, 142, 173 and 180, entitled "An act to amend sections 2, 5 and 6, chapter 105, of an act entitled "An act to create a bureau of agriculture for the State of Texas, and to add to it the department of Insurance, Statistics and History, to properly designate said department and its head and to prescribe the duties belonging to it relating to agriculture, passed by the Twentieth Legislature and approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS:

By Senator Morris:

A bill to be entitled "An act equalizing the issuance of warehouse receipts and bills of lading, making the same negotiable and providing penalties for the violation of the provisions hereof."

Referred to Judiciary Committee No. 1.

By Senator Townsend:

A bill to be entitled "An act to amend title 9, chapter 2, of the Revised Civil Statutes of Texas by adding thereto articles 220a, 220b and 220c, providing for writs of judicial attachments."

Referred to Judiciary Committee No. 1.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate;

SIR—I beg to inform the Senate that the House has passed House bill No. 290, a bill to be entitled "An act to create and provide for the organization of the county of Irion," under a suspension of the constitutional rule and by a two-thirds vote, there being 72 ayes and no nays.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The Senate was notified by the Governor of the appointment of the following notaries public.

ANDERSON COUNTY.

Bradford—P. L. Bradford.
Palistine—S. A. McMeans, Lucius Gooch, John H. Link.

CHEROKEE COUNTY.

Forest—Thomas S. Townsend.
Alto—A. C. Harrison, J. M. Spain,
Rusk—A. J. Owen.

BROWN COUNTY.

Brownwood—John Y. Rankin.

BOWIE COUNTY.

New Boston—Sam H. Smelser, J. J. Peters, Benjamin Cooley, T. J. Watlington, J. J. Bell.

Texarkana—R. W. Rogers, William Williamson, Albert Purcell, O. P. Taylor, Wm. Campbell, Wm. E. Es-

ter, Charles A. Williams, Robt. L. Henry, J. L. Garret, C. A. Hooks, Miss Emily T. Taylor, Tom Lynch, A. S. Watlington, Charley Beard, H. D. Nichols.

Dalby Springs—A. D. Putnam.

Dekalb—A. C. Ward.

Ingersol—S. P. Parker.

CHILDRESS COUNTY.

Childress—W. G. Gross.

WILBARGER COUNTY.

Vernon—T. Windsor Robinson, Charles Wheeler, F. P. McGhee, R. P. Elliott, Eugene Easton, James R. Tolbert, S. P. Huff.

ARCHER COUNTY.

Archer City—Samuel Abercrombie.

YOUNG COUNTY.

Graham—A. B. Gant, G. H. Crozier, W. L. Graves, W. B. Pope, Horatio Bulkley, R. Hollingsworth, Robert Holman, E. S. Graham.

THROCKMORTON COUNTY.

Throckmorton—W. T. Andrews.

WICHITA COUNTY.

Wichita Falls—M. M. Templeton, A. A. Brown, E. W. Hogree, Otis S. Bacon, Lewis C. Grant, J. J. Van Dyke, J. P. Boyd, N. Hendeson, E. W. Foster, S. Armstrong.

CARSON COUNTY.

Penhandle—J. W. Thomason.

HARDEMAN COUNTY.

Quanah—S. J. Osburne.

WHEELER COUNTY.

Mobeetie—Mark Huselby.

CLAY COUNTY.

Henrietta—W. A. Squires, W. D. Slayton, E. B. Mundy.

Newport—F. G. Bransford.

Henrietta—R. T. Rickets, ———
McCune, V. Stine, John M. McClure.

POTTER COUNTY.

Amarillo—Wilson W. Gowan.

MONTAGUE COUNTY.

Bowie—M. W. Minor.

COOK COUNTY.

Marysville—John B. Burton.

Gainesville—J. P. Hall, J. E. Hayworth, R. B. Howeth, H. Hulen, L. H. Mathis, J. M. Wilson, J. B. Kling, P. H. Lanus, A. B. McClaus, W. L. Blanton, S. S. Snyder, J. H. Nutting, P. M. Tucker, H. A. Hall, J. M. Wright, George W. Stafford, R. Sarlls, E. A. Blanton, H. C. Stuart, J. F. McMurray, E. P. Hill, W. A. Ledbetter, W. B. Johnson, Joseph M. Loudon, T. D. Cavener, S. B. Garrett, W. T. Roberts, A. Eddleman, H. E. Eldridge, Ira B. Packard, Claude Weaver, H. C. Davis, James H. Whitfield, R. D. Bell, D. J. Enderby, N. B. Maxey, T. M. Upshaw, E. R. Davis, S. B. Daws, H. M. Sharp.

Hatti—A. Hisserich.

Mt. Springs—N. H. McRae, J. M. Yeakley.

Valley View—R. P. Head, L. W. Lee.

Rossto —Wm. G. Robinson, Thos. Willis.

CHEROKEE COUNTY.

Jacksonville—T. H. Collier.

CORYELL COUNTY.

Gatesville—J. C. Chrisman, J. E. Walker, J. W. Saunders, W. F. Luterloh.

Mound—J. B. Shows.

The Grove—W. J. Graham.

Jonesborough—Wm. Jones.

Bee House—J. L. Price.

Pidcoke Ranch—B. H. Baird.

Eagle Springs—J. W. Cook.

Evant—J. A. Sheffield.

CASS COUNTY.

Atlanta—E. A. Allday, J. J. Ball.

Queen City—J. C. Hutchison.

Douglassville—J. H. Snipes, jr.

Cussetta—H. C. Fulcher.

Gallaway—J. R. Glaze.

Avinger—W. E. Duncan.

Kildare—John Evans.

Huffins—J. H. McConnel.

Viola—W. F. Armington.

Hughes' Springs—Newton Womack.

Bryan Mills—George Whetstone, jr.

Curtright—C. R. Curtright.

Bevins—A. B. Hintele.

Hermitage—C. Palmore, Henry Traylor.

CAMP COUNTY.

Pittsburg—M. L. Morris, J. W. Hooper, John A. Thompson, John B. Eddins.

Leesburg—W. W. Fredrick, T. L. Skeen.

CHEROKEE COUNTY.

Rusk—Wade Bonner.

New Birmingham—M. Jernegan.

DELTA COUNTY.

Charleston—H. A. Nabors.

ELLIS COUNTY.

Waxahachie—John F. Wyatt.

Ennis—W. H. Fuqua, W. A. Fears, Geo. W. Armstrong, I. H. Morrow, John M. King, D. F. Singleton, Geo. O. Alvis, T. L. McCarty, J. M. Street, F. A. Mall, J. S. McDuffy, N. R. Bagley.

Ferris—S. A. Wilkinson, R. P. Mackay, Jno. H. Smith.

Guide—H. W. Roberts.

Milford—H. N. C. Davis, W. T. M. Dixon.

Waxahachie—John F. Wyate, F. P. Powell.

Ennis—C. L. Allen, A. M. Dechman, T. H. Marrow.

Waxahachie—F. M. Maxwell, H. M. Rhodus, Yancy D. Kemble.

Midlothian—J. R. Kennedy.

Waxahachie—J. M. Phillips, F. L. Hawkins, J. E. Lancaster, E. L. Barclay, L. H. Peters, G. C. Grace.

Palmer—S. B. Farrar, W. L. Hancock, I. P. Jeffers.

Italy—G. W. Hamlet, D. H. Springer.

Milford—J. P. McCain, W. T. M. Dickson.

Auburn—H. H. Allison.

Avalon—J. B. Hemphill.

Mountain Peak—James A. Orr.

Red Oak—J. W. Couch.

Bristol—Alex Mosely.

Jeffers—W. A. Boyce.

Nash—T. O. Chatham.

Midlothian—L. I. Pond, P. W. Lowe.

Orilla—P. R. Nowlin.

Waxahachie—O. Goodwin, B. L. Davis, Geo. H. Alderman, T. P. Whipple, W. L. Harding.

HILL COUNTY.

Itasca—E. E. Burgess, J. P. Thompson.

Hillsboro—Thomas H. Dixon, G. D. Tarlton.

Woodbury—D. J. Sawyer.

Hubbard City—T. C. Morgan, W. W. Williams.

Whitney—W. D. Brown.

Massey—S. F. McMillion.

Mt. Calm—J. J. Elliot.

Hillsboro—Geo. I. Jordan, J. M. Duncan, J. S. Bounds, Daniel Darden, Clifford Moorman, J. J. Stoker, L. A. Carlton, W. E. Spell, W. L. Booth.

Blanton—J. B. West.

Irene—E. A. Zallicoffer.

Whitney—H. P. Jones.

Aquilla—S. H. Prewett, W. P. Cunningham.

Peoria—J. M. Fennell.

Hillsboro—J. S. C. Dyer, J. W. Armstrong, Arthur W. Young, Thos. Ivey, A. T. Rose, W. C. Wear, W. M. Pevrell, W. L. Booth.

Peoria—James A. Hill.

Hubbard City—W. K. Townsend, C. M. Christenbery, W. H. Marsh, S. H. Sayer.

Whitney—R. M. Elder.

Osceola—J. J. Scrivner.

Itasca—J. R. Griffin, J. B. Murphy.

JOHNSON COUNTY.

Grand View—J. T. Wade.

GREGG COUNTY.

Kilgore—J. A. V. Barton.

HAMILTON COUNTY.

Hamilton—Edward A. Perry, J. A. Eidson, Thomas C. Pierson.

Hico—F. H. Snider.

Lanham—R. J. Platts.

HASKELL COUNTY.

Haskell—Arthur C. Foster.

HARDEMAN COUNTY.

Quanah—Faris Morgan.

TYLER COUNTY.

Colmesneil—O. J. Delano, S. J. Sanders.

JASPER COUNTY.

Jasper—L. H. Owens.

NEWTON COUNTY.

Bleakwood—J. D. Lee.

Burkville—C. E. Smith, R. J. Brailsford.

JACKSON COUNTY.

Edna—J. D. Owen, W. H. Coleman,
L. M. Lowe.

DE WITT COUNTY.

C. J. Haitman.
Cuero—G. H. Schleicher, J. C. Wood-
worth, Thomas C. Eberhardt.
Yorktown—Moritz Riedel.

SAN PATRICIO COUNTY.

Ingleside—John G. Hatch.
Gregory—Frank Ayers.

WILSON COUNTY.

Floresville—I. W. Dickey.

JACK COUNTY.

Jacksboro—C. C. Wier, W. L. Gar-
vin, F. R. Aston.
Post Oak—J. P. Kirk.

LLANO COUNTY.

Llano—W. T. Dalrymple.

M'LENNAN COUNTY.

Waco—T. M. Dilworth.

M'LENNAN COUNTY.

Waco—H. A. Ivey.

MITCHELL COUNTY.

Colorado—T. Q. Mullins.

WICHITA COUNTY.

Wichita Falls—Sebastin Armstrong.

MONTGOMERY COUNTY.

Montgomery—G. G. Day.
Willis—S. D. Woodridge.

WALKER COUNTY.

Huntsville—G. A. Wynne.

NAVARRO COUNTY.

Corsicana—C. W. Craft, A. C. Mc-
Millan, L. L. Jester, J. F. Stout, J. H.
Mackey, M. L. Woods, M. A. Gold-
smith, A. Harris.

Frost—J. A. Kirgan.

Richland—M. M. Meazell.

Birdston—M. L. Bonham.

Dresden—Isaac N. Wilkinson.

OCHILTREE COUNTY.

Ochiltree—A. L. Rush.

PANOLA COUNTY.

Carthage—T. F. Hull, C. C. Hines,
J. N. Hayes.

Clayton—J. W. Cariker, S. Page, O.
R. Davis, T. A. Lawrence.

Delray—A. W. Davis, jr.

Beckville—Samuel Blackman, J. A.
Crawford.

Centennial—John F. Holt.

Woods—R. D. Hill.

Laturn—John L. Williams.

Long Branch—M. P. Halley.

DeBerry—L. J. Escoe, T. N. Bagley,

Fair Play—Thos. G. Alison.

Jumbo—J. C. Brady.

Deadwood—Horace McDaniel.

Thomas—A. L. Overton.

PALO PINTO COUNTY.

Mineral Wells—J. E. Laverty.

Angoria—F. W. Ingalls.

TRAVIS COUNTY.

Austin—J. S. Myrick.

TAYLOR COUNTY.

Abilene—W. C. Morrow, J. A. Will-
iams.

UPSHUR COUNTY.

Coffeetown—J. M. Hamilton, H. C.
Cunliff.

Lafayette—H. L. Sewell.

Gilmer—T. W. Galoway, T. J. Al-
lison, S. C. Hart, C. W. Kerns.

Simpsonville—Andrew Quinn, G. C.
Gregory.

TOM GREEN COUNTY.

Tom Green—W. T. S. Keller, T. C.
Wynn, Milton Mays, Otis Leach, Jno.
Lackey.

EL PASO COUNTY.

Van Horn—J. J. McCollough.

WOOD COUNTY.

Golden—J. C. Lambertson.

WILLIAMSON COUNTY.

Gabriel Mills—William Scheyle.

Granger—J. W. Posey.

Georgetown—D. S. Chesser, jr.,

Cooper Sansom, R. L. Penn, T. B. Cochran.

Florence—A. G. Gannaway.

WISE COUNTY.

A. Devereux.

After having publicly read their titles, the President gave notice of signing, and did sign, in open session of the Senate,

House concurrent resolution asking that a room in the Capitol be set apart for the deposit of granite, marble and lithographic stones, and varieties of specimens of wood finished and polished to show the resources and qualities of the building material of the State of Texas, and thanking citizens of Burnet county for furnishing material for the building of the new Capitol.

House bill No. 16, a bill to be entitled "An act to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas relating to certain territory by them respectively claimed, and to make an appropriation therefor."

House bill No. 439, a bill to be entitled "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, expert engineer, provided for by an act of the special session of the Twentieth Legislature, approved May 17, 1888."

House bill No. 334, a bill to be entitled "An act to prescribe the time for holding the terms of the district court in the Forty-first judicial district, and to repeal all laws and parts of laws in conflict herewith," and

House bill No. 3, a bill to be entitled "An act to amend Article 4759, chapter 4, title 95, of the Revised Civil Statutes of Texas, by adding thereto a new article to be styled article 4759a."

Substitute for House bills Nos. 22 and 187, a bill to be entitled "An act to amend article 2979, title 54, of the Revised Civil Statutes of the State of Texas,"

Being the special order,

Was laid before the Senate, and,

On motion of Senator Frank,

The bill was postponed and ordered printed.

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect

stockraisers; approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 4, 1887,"

Was laid before the Senate and on motion of

Senator Atlee the bill was laid on the table, subject to call.

Substitute House bill No. 138, a bill to be entitled "An act to establish the county of Coke and define the district to which it shall belong,"

Was laid before the Senate and read the second time, with a committee amendment.

Senator Burney moved to lay the bill on the table subject to call.

Lost.

Senator Burney spoke in favor of the committee amendment.

Senator Sims opposed it.

On motion of Senator Burges,

The bill and pending amendment were postponed until next Wednesday.

Substitute Senate bill No. 153, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas," was laid before the Senate, read the third time and passed.

House bill No. 222, a bill to be entitled "An act to amend article 1669, chapter 1, title 34, of the Revised Civil Statutes of the State of Texas, and to add article 1659a, chapter 1, title 34, of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate and read the third time.

On motion of Senator Armistead,

The bill was postponed until Monday week.

Adopted.

Senator Tyler entered a motion to reconsider the vote just taken.

On motion of Senator Atlee,

The regular order was suspended and

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 4, 1887," was again laid before the Senate.

Senator Townsend moved to

Postpone consideration until next Monday.

As a substitute for that motion,

Senator Lane moved to

Lay the bill on the table subject to call, and to have it printed.

The substitute was adopted.

(Senator McDonald, President pro tem., in the chair.)

Senator Tyler called up his motion to reconsider the vote postponing

Senate bill No. 222, a bill to be entitled "An act to amend article 1659, Revised Civil Statutes, and to add article 1659a."

The vote was reconsidered and the bill was laid before the Senate.

(The President in the chair.)

Senator Maetze spoke in favor of the bill.

The bill passed by the following vote:

YEAS—16.

Abercrombie,	Ingram,
Allen,	Jarvis,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Morris,
Davis,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—9.

Armistead,	McDonald,
Cranford,	Sims,
Field,	Stephens,
Frank,	Townsend.
Kimbrough,	

ABSENT—2.

Pope,	Simkins.
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Senator Claiborne announced a pair with Senator Johnson, the former would vote aye, the latter if he were here, would vote nay.

House bill No. 194, a bill to be entitled "An act to amend sections 2 and 6, chapter 131, of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceeding under such appointment of receivers, as passed by the Twentieth Legislature and approved April 2, 1887,"

Was laid before the Senate and

Read the second time,

With two committee amendments, viz.:

Strike out last five lines of section 2, beginning at and including "provided," through to the end of the section.

Amend section 6 by adding thereto the following:

That from and after the passage of this act, in any case in which any receiver is sued in any of the courts of this State, and such receiver de-

sires to take an appeal from any judgment which may be rendered against him in any justice or county court, or to take an appeal or writ of error from any judgment which may be rendered against him in any district court, before such appeal or writ of error shall be perfected or allowed, such receiver shall enter into bond with two or more good and sufficient sureties, to be approved by the clerk of the court or justice of the peace, payable to the appellee or the defendant in error, in a sum at least double the amount of the judgment, interest and cost, conditioned that such receiver shall prosecute his appeal or writ of error with effect, and in case the judgment of the court to which such appeal or writ of error be taken shall be against him that he perform its judgment, sentence or decree, and pay all such damages and costs as said court may award against him.

In the event that the judgment of the court to which such appeal or error is taken shall be against such receiver, judgment shall at the same time be entered against the sureties on his said bond, and execution thereon may issue against such sureties within twenty days after the rendition of such judgment.

The committee amendments were adopted.

Senator Townsend moved to

Amend by adding to section 2 of the bill the following: "Eltner party may appeal from any order of the court appointing any receiver to the Supreme Court of the State of Texas, by giving bond in such sum as the court may require, with two or more good and sufficient sureties, payable to the adverse party or appellee or defendant in error, as the case may be, conditioned that appellant will prosecute his appeal to effect and perform the judgment, sentence or decree of the Supreme Court.

Said appeal shall be made returnable to the term of the Supreme Court then in session, and if said Supreme Court should not be in session, then to the place and term where the Supreme Court shall next hold its session, and when any appeal is taken to the Supreme Court from an order appointing a receiver it shall be decided by the Supreme Court as soon as possible.

Said appeal, when the appeal bond is given and the same approved, shall supersede the order of the court appealed from until the judgment of the Supreme Court is rendered therein.

Said appeal bond shall be filed

within ten days from the date of the order appealed from. Either party may take an appeal by writ of error, from any order appointing any receiver, and take said cause to our Supreme Court, at any time, within six months after the date of the order appointing a receiver, by giving bond as required herein and having citation in error, as now required by law.

Lost.

Senator Townsend moved to

Add after the word "vote," the following:

"And during the pendency of said receivership the person or persons so appointed receiver, to keep and maintain actual residence within this State."

Adopted.

The bill as amended

Passed to its third reading.

Senator Glasscock called up Senator Burges' motion to reconsider the vote by which the Senate refused to engross

Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures or those in charge of pastures on such stock as are placed in their pastures by the respective owners or persons in charge of such stock to secure the payment of pasture fees or charges.

On January 25th.

The motion was reconsidered.

Senator Glasscock offered a substitute for the bill, the caption of which is as follows:

Substitute Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures or lessees of pastures on such stock as are placed in their pastures by the respective owners or lessees of such stock to secure the payment of pasture fees or charges."

Senator Armistead moved to lay the bill on the table, subject to call, and to have the bill printed.

Adopted.

Senator Kimbrough moved to

Suspend the regular order of business and take up

House bill No. 75, a bill to be entitled "An act to amend an act entitled an act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888.

Lost.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to request the Senate to return to the House for engrossed correction House bill No. 36, a bill to be entitled "An act to amend section 46, acts 1887, exempting certain counties from the operation of the inspection laws and for the appointment of inspectors by the Governor."

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

House bill No. 84, a bill to be entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved March 4, 1882."

W. M. IMBODEN,
Chief Clerk House Representatives.

Senator Morris moved to suspend the regular order of business and take up

Senate bill No. 140, a bill to be entitled "An act to amend article 375, title 17, of the Revised Civil Statutes of the State of Texas, as amended by an act approved on the 27th of March, 1885.

The bill was laid before the Senate and read the second time with an unfavorable committee report.

Senator Morris moved to reject the unfavorable committee report.

Adopted.

Senator Frank moved to postpone and print the bill.

Lost.

Senator Burges moved to

Amend by striking out in section 1 all from the word "inhabitants" down to the words "to work these on" and insert "all able bodied males above 18 years of age, except ministers of the gospel and all active firemen."

Senator Lane called for a division of the amendment as to ministers of the gospel and active firemen.

That portion of the amendment pertaining to ministers of the gospel was adopted.

That portion of the amendment pertaining to firemen was lost.

Senator Tyler moved to

Amend so as to exempt twenty active firemen to each one thousand inhabitants, according to the last city census, to be selected by the chief of the fire department.

Senator Atlee offered the following amendment to the amendment:

To be selected by the mayor from lists which may be furnished by the fire or hook and ladder companies.

Accepted.

Senator Stephens moved to

Amend the amendment by striking out "twenty" and insert "ten" in lieu thereof.

Adopted.

Senator Tyler's amendment as amended was adopted.

The bill as amended was ordered engrossed.

On motion of Senator Morris,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—2.

Frank, Townsend.

ABSENT—1.

Pope.

The bill was read the third time and

Passed by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Tyler,

Glasscock,
Harrison,
Ingram,

Upshaw,
Woodward.

NAYS—2.

Frank,

Townsend.

ABSENT—1.

Pope.

On motion of Senator Tyler, the regular order was suspended to take up

Senate bill No. 66, a bill to be entitled "An act to amend article 4360 of title 87, chapter 1, providing for the establishment of public roads and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act," approved February 5, 1884.

The bill was laid before the Senate and read the second time, with a favorable committee report.

Senator Glasscock moved to

Amend by striking out all after the word "of," in line 13, section 1, article 4360, and insert the following: "All the county commissioners of said county." Withdrawn.

Senator Frank moved to

Amend article 4360 by adding to the end of article the following: "At a regular term of said court, and such charge shall not lengthen the distance of any such road more than one-half mile."

Senator Jarvis moved to postpone till Thursday, and consider with the road bill.

Senator Tyler moved to table the motion.

Lost,

And the motion to postpone till Thursday prevailed.

On motion of Senator Armistead,

The regular order was suspended to take up

Senate bill No. 99, a bill to be entitled "An act to amend article 2916, title 531, chapter 1, of the Revised Statutes."

The bill was laid before the Senate and

Read the second time,

With a favorable committee report. The bill was ordered engrossed.

On motion of Senator Burges the Senate adjourned until 10 o'clock Monday morning.